HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.23668 of 2006

Dated:17.11.2006

Between:

Belli Babu Rao.

…Petitioner

and

The Mandal Revenue Officer and others.

…Respondents

HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.23668 of 2006

ORDER:

The petitioner owns an extent of Ac.1.33 guntas of land in Survey No.540 situated at Nellipaka Village of Aswapuram Mandal in Khammam District. He alleges that his father-in-law, the second respondent herein, purchased the property from the third respondent on 15.02.1994, and he gifted the property to the petitioner's wife by way of pasupu kumkuma. The petitioner statedly is cultivating the land and his name is also recorded in column 15 as pasupu kumkuma patta. The first respondent issued a notice on 31.08.2006 to respondents 2 and 3 in connection with the enquiry under the provisions of the Andhra Pradesh Rights in Land and Pattadar Pass Books Act, 1971 (for short 'the Act'). The petitioner alleges that when he went to the Mandal Revenue Officer's Office on 10.11.2006 in connection with the said enquiry, the first respondent allegedly directed the petitioner that he should evict the land and that necessary steps will be taken to dispossess him. Apprehending coercive dispossession, the petitioner filed the present Writ Petition seeking a direction to the first respondent not to dispossess him from the land in question.

The matter was initially listed before this Court on 15.11.2006.

The same was adjourned to enable the learned Assistant Government Pleader for Revenue (General-T) to get instructions. Today after getting instructions, the learned Assistant Government Pleader admits that enquiry under the Act is pending before the Mandal Revenue Officer. But, he submits that the Mandal Revenue Officer and the Mandal Revenue Inspector never instructed the petitioner to vacate the land, nor there is any proposal to evict him. The same is recorded. This Court, however, observes that if for any reason, the petitioner has to be evicted from the land in Survey No.540, the Mandal Revenue Officer shall give appropriate notice to the petitioner. However, in the enquiry under the Act, if it is decided that the land should be recorded in the name of the third respondent, appropriate steps shall be taken by the Mandal Revenue Officer.

The Writ Petition, with the above observations, is accordingly disposed of. No costs.

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(V.V.S.RAO, J)

17.11.2006
vs